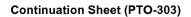
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/511,080	RUTHER ET AL.	
Examiner	Art Unit	

	Elena Tsoy Lightfoot	1792	
The MAILING DATE of this communication appea	ars on the cover sheet with the d	orrespondence address -	-
THE REPLY FILED <u>17 November 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Apperor Continued Examination (RCE) in compliance with 37 Claperiods:	the same day as filing a Notice of A eplies: (1) an amendment, affidavit al (with appeal fee) in compliance	Appeal. To avoid abandonm i, or other evidence, which p with 37 CFR 41.31; or (3) a	laces the Request
a) The period for reply expires 3 months from the mailing date of this Ac no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f) Extensions of time may be obtained under 37 CFR 1.136(a). The date of	lvisory Action, or (2) the date set forth iter than SIX MONTHS from the mailing o). ONLY CHECK BOX (b) WHEN THE	date of the final rejection. FIRST REPLY WAS FILED W	THIN TWO
have been filed is the date for purposes of determining the period of external and the period of the structure of the period of the structure of the period of t	ension and the corresponding amount of the corresponding a	of the fee. The appropriate extending set in the final Office action	ension fee n; or (2) as
 The Notice of Appeal was filed on <u>17 November 2009</u>. A be the date of filing the Notice of Appeal (37 CFR 41.37(a)), on appeal. Since a Notice of Appeal has been filed, any reply AMENDMENTS 	r any extension thereof (37 CFR 4	1.37(e)), to avoid dismissal	of the
3. The proposed amendment(s) filed after a final rejection, b (a) They raise new issues that would require further con	sideration and/or search (see NOT		•
 (b) ☐ They raise the issue of new matter (see NOTE below (c) ☐ They are not deemed to place the application in better appeal; and/or 	**	lucing or simplifying the issu	ues for
(d) They present additional claims without canceling a converse NOTE: (See 37 CFR 1.116 and 41.33(a)).	orresponding number of finally reje	cted claims.	
4. ☐ The amendments are not in compliance with 37 CFR 1.125. ☐ Applicant's reply has overcome the following rejection(s):		mpliant Amendment (PTOL-	-324).
6. Newly proposed or amended claim(s) would be allow non-allowable claim(s).			_
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provious The status of the claim(s) is (or will be) as follows: Object(s) allowed:		be entered and an explana	ition of
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 	sufficient reasons why the affidavi	t or other evidence is neces	sary and
 The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to over showing a good and sufficient reasons why it is necessary 	rercome <u>all</u> rejections under appea and was not earlier presented. Se	l and/or appellant fails to pree 37 CFR 41.33(d)(1).	
10.			
11. The request for reconsideration has been considered but <u>See attached.</u>		condition for allowance bed	cause:
12.	PTO/SB/08) Paper No(s)		
	/Elena Tsoy Lightfoot / Primary Examiner, Art U	nit 1792	



Application No.